

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:01cr48-7

UNITED STATES OF AMERICA,)

)

)

vs.)

)

)

RICHARD DONNELL RUDISILL.)

)

ORDER

THIS MATTER is before the Court on the Defendant's *pro se* Motion for Sentence Reduction under Crack Amendment pursuant to 18 U.S.C. §3582(c)(2) [Doc. 522].

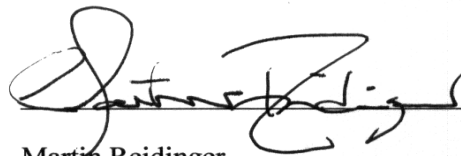
The Defendant received court-appointed counsel to ascertain whether he would be eligible for any relief pursuant to the Amendment on May 8, 2008. [Doc. 417]. On July 1, 2009, the United States Probation Officer supplemented the Defendant's presentence report and noted that the Defendant was not eligible for any relief. [Docs. 495, 496]. On July 31, 2009, Hon. Lacy H. Thornburg ruled that the Defendant is ineligible for any relief pursuant to the Crack Cocaine Amendment to the United States Sentencing Guidelines, Amendment 706. The next day, court-appointed

counsel filed a notice that the Defendant was ineligible for relief. [Doc. 506]. The Defendant then attempted to dismiss that notice, a request which was denied by Judge Thornburg on August 14, 2009. [Docs. 510, 511].

Over two months later, the Defendant submitted the pending motion, which although styled as motion pursuant to the Amendment, seeks relief in addition to that which has previously been denied. [Doc. 506]. To the extent that the Defendant seeks relief pursuant to the Amendment, the motion is moot because it has been previously denied. To the extent that he seeks other relief, no such relief is available pursuant to 18 U.S.C. §3582(c)(2), the only ground upon which the motion is based.

IT IS, THEREFORE, ORDERED that the Defendant's *pro se* Motion for Sentence Reduction under Crack Amendment pursuant to 18 U.S.C. §3582(c)(2) [Doc. 522] is hereby **DENIED** as moot.

Signed: January 14, 2010


Martin Reidinger
United States District Judge

